

IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA

LAURA GRESHAM
LAKISHA LAWSON
Plaintiffs

vs.

LUSTER PRODUCTIONS, INC
DOLLAR GENERAL, INC.
The agents, employees, owners
Shareholders, directors, individually
Jointly, and severally. Fictitious parties
A,B,and C which will be named by
Amendment when ascertained.
Defendants

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CV 06-2



COMPLAINT

PARTIES

1. The Plaintiffs are over 19 years of age and are residents of the State of Alabama and have been for more than six months prior to the filing of this action. Plaintiff Lekisha Lawson was a resident of the city of Montgomery, Alabama at the time of the injuries complained of herein and resides at 3580 McGhee Place South, Apartment 4317C, Montgomery, Alabama 36106; and Plaintiff Laura Gresham was a resident of Lowndes County, Alabama at the time of the injuries complained of herein and resides at 105 Turner Lane, Lowndesboro, Alabama 36752 . Both Plaintiffs were employed in Lowndes County, Alabama at the time of the injuries complained of herein.
2. The Defendants, Luster Productions, Incorporated, (hereinafter referred to as Luster) , Corporate Headquarters located at 1104 W. 43rd Street, Chicago, Illinois 60609 and Dollar General, Incorporated, (hereinafter referred to as Dollar General), Corporate Office located at 100 Mission Ridge, Goodlettsville, Tennessee 37072, are

foreign corporations who manufactured, distributed and sold Luster's Pink Plus 2-N-1 Scalp Soother & Oil Sheen, (hereinafter referred to as Pink Plus) within the State of Alabama.

JURISDICTION & VENUE

3. All acts and or omissions occurred in Lowndes County, Alabama and the complaint is in excess of the monetary jurisdiction of this Honorable Court.

FACTS

4. On or about March 4, 2005, Plaintiff Lakisha Lawson purchased one can of Pink Plus from a store operated by Defendant Dollar General, said product having been manufactured by Defendant Luster.

5. On or about March 4, 2005, the Plaintiffs, and in accordance with package directions, applied the Pink Plus to their scalps, and at that time, both plaintiffs suffered intense burning pains to their scalps, which caused both Plaintiffs to attempt to wash the product out of their hair, only to experience immediate hair loss and additional burning. Plaintiffs were caused to suffer great physical pain and mental anguish and resulted in disfiguring burns to their scalps, scarring to their scalps, oozing burns to their scalps and hair loss; they were caused to suffer public embarrassment and humiliation and will suffer such embarrassment and humiliation in the future; they were caused to expend time and money in their efforts to heal their injuries and will be caused to expend such sums in the future and both were permanently injured and damaged.

COUNT(1)
NEGLIGENCE

6. The Plaintiffs adopt each and all preceding paragraphs of the complaint herein. The Plaintiffs aver that the Defendants were negligent in the design, manufacture, sale distribution, testing and inspection of Pink Plus and as a direct proximate result of the individual and combined negligence of all Defendants, the Plaintiff's were injured and damaged. As a result of the negligence of the Defendants on or about March 4, 2005, The Plaintiffs suffered mentally and physically and endured medical treatment, burning, scarring and hair loss and endured medical treatment and cosmetic procedures over the months that followed. Wherefore, the Plaintiffs demand the sum of \$100,000.00 each.

COUNT(2)
BREACH OF EXPRESS WARRANTY

7. The Plaintiffs adopt each and all preceding paragraphs of the complaint herein. The Plaintiffs aver that the Defendants breached their express warranties and their implied warranties or merchantability and fitness for a particular purpose. The Plaintiffs aver that as a proximate result of the Defendant's breach of their warranty, that they were injured and damaged. Wherefore, The Plaintiffs demand the sum of \$100,000.00 each.

COUNT(3)
WANTONNESS

8. The Plaintiffs adopt each and all preceding paragraphs of the complaint herein. The Defendants manufactured and sold an unreasonably dangerous product. As a result of the wanton conduct of the Defendants, Plaintiffs suffered mentally and physically; that they were subjected to medical treatment and that they were physically and emotionally scarred. Wherefore, The Plaintiffs demand the sum of \$100,000.00 each.

COUNT 4

ALABAMA EXTENDED MANUFACTURER'S LIABILITY DOCTRINE

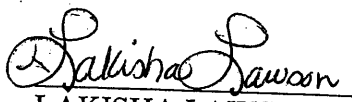
9. The Plaintiffs adopt each and all preceding paragraphs of the complaint herein. Plaintiffs aver that as a result of the Defendants, as manufactures, proximately caused the Plaintiffs injuries by selling a product in a defective condition which was unreasonably dangerous to them as it's ultimate users; and that the Defendants are engaged in the business of selling such products and the product was expected to and did reach the Plaintiff users without substantial change in the condition in which it was sold.

This Count is brought under the Alabama Extended Manufacturer's Liability Doctrine.

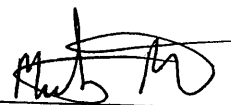
Wherefore, the Plaintiffs demand judgment against the Defendants for the sum of One Hundred Thousand Dollars \$100,000.00 each in damages against the Defendants. Additionally, the Plaintiffs request any further relief to include court costs, Attorney Fees and any other relief so found to be due by this Honorable Court.

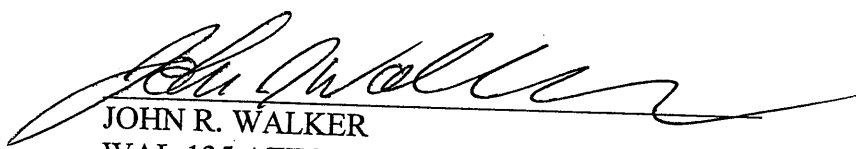
PRAYER FOR RELIEF:

THE PLAINTIFFS DEMAND TRIAL BY JURY


LAKISHA LAWSON
PLAINTIFF


LAURA GRESHAM
PLAINTIFF


MICKEY J.G. MCDERMOTT
MCD-052 ATTORNEY FOR
THE PLAINTIFFS


JOHN R. WALKER
WAL-135 ATTORNEY FOR THE PLAINTIFFS

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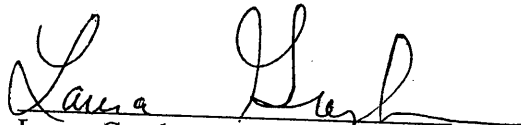
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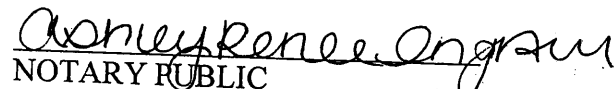
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AFFIDAVIT

My name is Laura Gresham and I am the Plaintiff in this matter. I hereby certify
that I have read the foregoing complaint and that the allegations contained therein are true
and correct to the best of my knowledge, information and belief.


Laura Gresham

Sworn to and Subscribed before me this the 27 day of DEC.,
2005.


NOTARY PUBLIC
My Commission expires: 9-10-06

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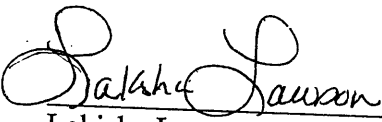
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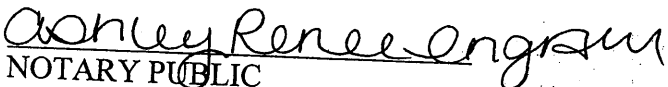
CV 06-2

AFFIDAVIT

My name is Lakisha Lawson and I am the Plaintiff in this matter. I hereby certify
that I have read the foregoing complaint and that the allegations contained therein are true
and correct to the best of my knowledge, information and belief.


Lakisha Lawson

Sworn to and Subscribed before me this the 27th day of DEC,
2005.


NOTARY PUBLIC
My Commission expires: 9-10-06